

REMARKS

Entry and consideration of this Amendment are respectfully requested. No new matter is added by this amendment. Upon entry, claims 1-3, 5 and 12-14 are all the claims pending in the application.

Claims 1-5, 12/1, 13/12/1, and 14/12/1 were previously rejected under 35 U.S.C. 102(b) as being anticipated by WO 96/07941 A1 (“Andreatta”).

Andreatta was asserted to disclose a polarizing plate comprising a polarizing layer having a thickness of 1000-5000 nm (Pg. 3, line 4), and comprising a dye having a tabular molecular structure (e.g., perylene; Table 2-4 (IV')), the molecules being oriented to polarize light passing therethrough.

In response, Applicants amended claim 1 to include the recitations of claim 4. The present invention is directed to a polarizing plate comprising a polarizing layer having the claimed range of thickness formed by the claimed step, wherein the dye having a tabular molecular shape coated on the rubbed surface of the substrate is oriented roughly perpendicular to the rubbing direction.

According to Examples 1-3 disclosed in Andreatta, a dye deposited on the PTFE alignment layer is oriented parallel to the direction of the PTFE chain since the absorbance of a polarized light in a direction parallel to an alignment of dye-containing film is greater than that in a direction perpendicular to the alignment of dye-containing film.

Additionally, it is well known to those skilled in the art that PTFE chains are oriented in a direction parallel to a rubbing direction.

Preliminary Amendment
1.53(b) Continuation of 10/062,437

Therefore, Andreatta discloses a polarizing layer in which the dye coated on the rubbed surface of the substrate is oriented parallel to the rubbing direction.

Andreatta does not disclose or suggest the dye orientation perpendicular to the rubbing direction. Therefore, no *prima facie* case exists for the suggestion that the dye orientation perpendicular to the rubbing direction would have been obvious at the time of Applicants' invention.

While as set forth above, it is believed that a *prima facie* case of obviousness does not exist, Applicants also note that Applicants' specification describes the unexpected nature of Applicants' discovery that dye molecules could be positioned in a non-parallel orientation. As described in the present specification, in the known polarizing layers, the direction of orientation of the dye molecules always corresponds to rubbing direction, i.e., parallel to the rubbing direction. The direction of orientation of the dye molecules in the present invention unexpectedly differs from that of the known polarizing layers and that of the cited art. (see page 8, lines 1-6 of the specification). Prior to the instant invention, one of ordinary skill would not have contemplated the present invention. The state of the art does not suggest the claimed orientation which results in unexpected properties. Therefore, any suggestion of a *prima facie* case of obviousness is rebutted.

In view of the foregoing, claims 1-5, 12/1, 13/12/1, and 14/12/1 are not anticipated or obvious over Andreatta. Applicants respectfully request reconsideration and withdrawal of the rejection of the claims.

Preliminary Amendment
1.53(b) Continuation of 10/062,437

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Keith B. Scala
Keith B. Scala
Registration No. 43,088

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: January 16, 2004

Attorney Docket No: Q79461